



September 9, 2009

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: NBP Public Notice #1 (Defining Broadband)
GN Docket Nos. 09-47, 09-51, and 09-137
Reply Comment of the Entertainment Software Association

Dear Ms. Dortch:

The Entertainment Software Association files this reply to address a point raised by AT&T Inc. in the comments it filed August 31, 2009 in the above proceedings.¹

AT&T argued that the baseline definition of broadband should not include what it characterized as "aspirational broadband services" and "myriad sophisticated applications," including streaming video, real-time voice, and "real-time, two-way gaming." It urged the Agency to focus on more "meaningful" services, such as email, web surfing, interacting with Internet-based government services, and online education and training. According to AT&T, these are more pressing concerns for those who do not have terrestrial broadband access currently.

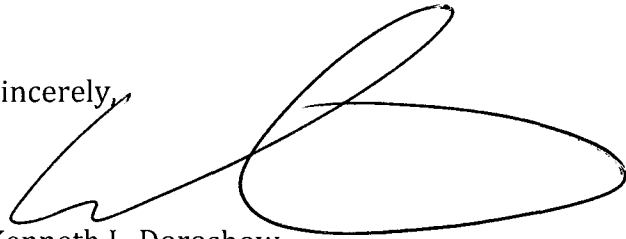
ESA agrees that such services are important. We disagree that the definition should stop there. Americans deserve a higher benchmark.

Online video games are a meaningful part of our participative culture. They remove geographic barriers, connecting people from across the country and around the world. They teach cooperation, cultivate leadership skills, and empower users to express their creativity. Increasingly, games are used for training purposes and to educate students about complex social issues. Entertaining does not mean trivial.

¹ We submit this reply as "late filed."

What AT&T describes as aspirational services are no less important to the future of the Internet than email and web browsing were to the past and are today. Whatever definition of broadband the FCC adopts, it should use a benchmark that opens the potential of the Internet to all Americans. Ultimately, consumers should determine what applications and services they find to be of value.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by a large, stylized 'D'.

Kenneth L. Doroshow
Senior Vice President & General Counsel